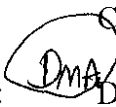




FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: Director, Reference Information Center
Chief, Wireless Telecommunications Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Eldorado Communications, LLC v. FCC & USA*, No. 02-1377 and *Eldorado Communications, LLC v. FCC*, No. 02-1378. Filing of a Petition for Review and a Notice of Appeal in the United States Court of Appeals for the District of Columbia Circuit.

DATE: January 17, 2003

This is to advise you that, on December 16, 2002, Eldorado Communications, LLC ("Eldorado") filed a Petition for Review and a Notice of Appeal in the U.S. Court of Appeals for the D.C. Circuit, pursuant to 47 U.S.C. §§ 402(a) and (b), of the following orders: (1) *Disposition of Down Payment and Pending Applications by Certain Winning Bidders in Auction No. 35 and Requests for Refunds of Down Payments Made in Auction No. 35*, Order and Order on Reconsideration, WT Docket No. 02-276, FCC 02-311 (released November 14, 2002); and (2) *Requests for Refunds of Down Payments Made in Auction No. 35*, Order, FCC 02-99 (released March 27, 2002).

Eldorado challenges the Commission's decision to refund all down payment money submitted by winning bidders in Auction No. 35 and to release those bidders from their bid payment obligations.

The Court has docketed these cases as Nos. 02-1377 and 02-1378 and consolidated them. The attorney assigned to handle the litigation of these cases is Joel Marcus.